IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9835/07
Bhag Chand Jain Vs. Additional Civil Judge & Anr.

Date of order : 7/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Nitin Jain for the petitioner.

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This writ petition has been filed by the plaintiff-petitioner with the grievance that the suit which was filed way back on 12.10.1995 has not been decided by the trial court even after the lapse of more than 12 years. It is contended that though the written statement was filed by the defendant way back on 7.2.1996, but the court took nine years to frame the issues which were ultimately framed on 28.4.2005. While the evidence of the plaintiff is complete, the defendant is not producing his

evidence and has been getting the matter adjourned.

It is indeed surprising that when the pleadings of the parties were completed on 7.2.1996 with defendant having filed his written statement, but the issues were framed nine years thereafter i.e. on 28.4.2005. Learned counsel also produced before me copy of the proceedings of the trial court. He placed reliance on the decision of Nanag Ram & Ors. Vs. Civil Judge (Sr. Division) Srimadhopur, Distt. Sikar & Ors.-2005 (1) DNJ (Raj.) 174. It is therefore prayed that the trial court be directed to decide the aforesaid suit no.11/96 (2/04) within a period of three months.

Having heard the learned counsel for the petitioner and perused the material on record, I find that the suit indeed was filed on 12.10.1995 and written

statement was filed on 7.2.1996. It is indeed a matter of surprise that even after the pleadings of the parties having been completed in February, 1996, the trial court framed the issues, nine years thereafter i.e. on 28.4.2005. It is revealed from the order sheets that the evidence of the plaintiff thereafter was completed on 9.11.2006 after about one and a half years of framing of the issues. Almost one year has gone by since then and the matter is still at the stage of evidence of the defendant. Although I do not deem it appropriate to issue a mandamus regulating the proceedings of the trial court by directing it to decide the suit within the time prayed for, but at the same time it is impressed upon the learned trial Judge that the request of the defendant or for that matter of the plaintiff to adjourn the matter shall not

be liberally entertained and adjournments shall not be granted just at the request of the parties. The learned trial court has to be conscious of the fact that this was a suit which was filed in 1995 and therefore efforts should be made to decide the said suit in an expeditious manner consisting with the priority that may be given to matters which may have been filed even earlier to the present suit.

The writ petition is therefore disposed of with the aforesaid observations.

(MOHAMMAD RAFIQ), J.

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